
PDF PAGE 1, COLUMN 4

**FRANK DEFENSE
IS**

**ASSAILED BY
DORSEY**

PDF PAGE 1, COLUMN 7

**MANY
AFFIDAVITS
OFFERED TO
COMBAT**

NEW TRIAL MOTION

Ruth Robinson Charges
One

Submitted as Coming
From

Her and Witnessed by
C. W.

Burke Was Forgery

DALTON REAFFIRMS
HIS

TESTIMONY ABOUT FRANK

C. B. Ragsdale Alleges
Frame-

Up—Pardee and
Green Now

Say They Didn't See
Frank

On Whitehall

At the continuation of the hearing of the extraordinary motion for new trial for Leo M. Frank before Judge Benjamin H. Hill Monday morning Solicitor Dorsey made a sensational counter showing against the granting of the motion.

The solicitor attacked the Frank motion at many points. He read to the court an affidavit from Ruth Robinson charging that the affidavit submitted by the defense as coming from her and supposed to have been witnessed by C. W. Burke, special investigator, was a forgery. Samuel A. Pardee and W. B. Green

offered affidavits declaring the testimony given by them to the defense, in which they claimed to have seen Frank at the corner of Whitehall and Alabama streets, between 1:03 and 1:05 o'clock on the day of the tragedy, was a mistake. They declared they were at Walton and Broad streets at 12:30 o'clock, and that they had come to this point from Whitehall and Alabama.

Mary Rich, colored, declared in an affidavit that she had never given any testimony to the effect that she had seen Conley come out of the alley behind the pencil factory at 2:15 o'clock on the day of the tragedy and that the first she heard of any such claim was when she read a story about it in the newspapers.

OFFERED MONEY TO LEAVE.

Helen Ferguson declared in an affidavit read by the solicitor that she had been offered one hundred dollars to leave town and that repeated efforts had been made by Jimmie Wrenn, masquerading as a Mr. Howard, to get her to repudiate her testimony given during the Frank trial. She told a detailed story of how Wrenn, alias Howard, had made love to her and offered to marry her but always insisted that she make an affidavit in the Frank case.

C. B. Dalton, who returned to the city Monday, gave a sensational affidavit which was submitted to the court, in which he swore he had made his repudiation of his testimony at Frank's trial in Fort Myers, Fla., at the suggestion of C. W. Burke, and on the promise of Burke that he would be paid \$100 and given railroad fare back to Atlanta. He alleged that after he had made his repudiating statement, Burke failed to pay him. Dalton, in his latest affidavit, reaffirms the testimony which he gave against Frank at his trial and adds many new details to his story. He declares he did see Frank in his office with girls; that he had frequently seen Frank go back into the factory with women; that he, Dalton, had bought beer for Frank and his companions and that Frank was the first person to tell him about a cot in the basement.

ORDER BLANK CLAIM.

The defense's claim that the order blanks on which the murder notes were written must have come from the basement was attacked by the solicitor through the affidavit of Philip Chambers, of 18 Warner Avenue, a former office boy of Frank. Chambers swore that he worked at the factory when H. F. Becker was master mechanic there and had an office on the top floor.

He swore that when Becker left the factory his desk was brought to Frank's office and that Frank himself took the desk and gave his own desk to Darley. He swore that all of the papers, books, order blanks and carbon copies of blanks that had been in Becker's possession were placed in the supply room adjoining Frank's office; that none of these papers were carried to the basement; that, in fact, no trash was allowed to remain in the basement, but was immediately burned.

R. M. DeVore, a photographer, gave an affidavit to the effect that he had made photographs of the murder notes and that in his opinion the serial number on the order blanks on which one of the notes was written was 1818 and not 1018 as claimed by the defense.

A sensational affidavit was read from C. B. Ragsdale in which the minister told a detailed story of how, as he claimed, he had made the affidavit which he gave to Frank's defense at the suggestion of Arthur Thurman, a lawyer, and on the promise of Thurman that he would be benefited financially by the transaction. Ragsdale repudiated the affidavit he gave to the defense and declared that it was false and a frame-up.

Judge Hill took an order during the morning, that unless Annie Maude Carter, to whom Jim Conley is alleged to have written a large number of letters, which, Detective Burns claims prove him to be a pervert, was produced within five days her evidence would not be considered by the court. The court stated the order was not a reflection in any sense upon the attorneys for the defense.

At 2 o'clock Judge Hill adjourned the hearing until 10 o'clock Tuesday morning.

At the conclusion of a severe examination by Solicitor Dorsey, Dan S.

(Continued on Page 5, Col. 1.)

PDF PAGE 5, COLUMN 1

BURNS' HEAD DETECTIVE PUT ON GRILL BY
HUGH DORSEY

JUDGE THREATENS TO PUT LEHON IN JAIL FOR CONTEMPT

(Continued from Page One.)

Lehon, southern representative of the William J. Burns Detective Agency, sought to denounce the solicitor for the manner in which he had directed his questions. He was interrupted by Judge Hill, who threatened to send Lehon to jail if he continued to comment on the proceedings.

Lehon began by saying: “Your honor, I am a free American citizen. I have been in the police business for twenty years. This is the most outrageous proceeding”—

At this point Judge H. Hill stopped him and admonished the Burns agent that if he continued his comment, he would be sent to jail for contempt.

The hearing of the extraordinary motion for a new trial in behalf of Frank was resumed at 10 o’clock Monday before Judge B. H. Hill.

Solicitor Dorsey turned over to counsel for the defense the original notes found beside Mary Phagan’s body, the attorneys having requested them.

Attorney Arnold, of the defense, stated to the court he had a letter from Mrs. J. B. Simmons, addressed to himself and Mr. Rosser, mailed July 8, 1913, in which she in general terms informed them of what her testimony would be. He asked that this letter be introduced as evidence. There was no objection.

Solicitor Dorsey asked that C. W. Burke, one of the investigators for the defense, who had been summoned as a witness, be excluded from the court room inasmuch as he would not be examined then.

The solicitor then called to the stand Dan S. Lehon. Lehon described himself as manager of the southern division of the William J. Burns International Detective Agency, with headquarters in New Orleans.

“How long have you been on this case, Mr. Lehon?” the solicitor asked. “Four or five weeks—I don’t remember exactly,” the detective answered.

CALL BURNS “GOVERNOR.”

“You and the other operatives call Burns ‘Governor,’ don’t you?” “Occasionally.”

"How long has the 'governor' been on this case?" "I haven't the exact date."

"What sort of work have you been doing?" "I have handled it generally."

"How are you paid?" "I am paid a salary by Mr. Burns."

"Are you interested in the retainer he gets on this case?" "Not personally."

"Are you interested in any money paid to Burns of the Atlanta Agency?" "Only as the employee of any corporation is interested in the business of that corporation."

"What is your interest in money paid over by Frank and his friends to Burns and the Agency?" "None, personally."

"Have you ever handled any funds paid by Frank or his friends?" "I have been paid, on account of the Agency, some moneys."

"All of the fees?" "No."

"From whom did you receive the money?" "Herbert J. Haas."

"About the time Ragsdale made his affidavit, how much money did you get from Haas?" "I don't remember getting any at that time."

"How much immediately previous?" "Five hundred dollars."

"How was it paid?" "By check."

HEARD ABOUT PREACHER.

"Did you discuss the Ragsdale matter when you received this money?" "No."

"Before you received it?" "I had said something about a preacher."

"From whom did you first hear of Ragsdale?" "From Whitfield."

"The man the Pinkertons had discharged?" "The same man. And I heard about the preacher from W. W. Rogers and from C. C. Tedder."

"Is Tedder in your employ?" "Yes."

"What did you pay him?" Lehon appealed to the court. Judge Hill directed him to answer. "On the 15th or 16th of April, I advanced him a month's salary of \$250, and \$250 for expenses to get witnesses in Birmingham, Nashville and Chattanooga. He claimed to know of a witness, a woman, in one of those cities, who would declare that Frank is a pervert; and I was anxious to get this information. Tedder also claimed to know of Mark Wilson, a Negro, who would testify he saw Conley buy a lunch from Mary Rich on the day of the tragedy, and that he saw Conley go back into the alley. Also, he was to get a witness Hodge, a Negro, who would corroborate Wilson. For that reason, I paid the money to Tedder."

"Had you heard of Ragsdale at the time?" "I had heard of a preacher, but I hadn't heard the name."

DOESN'T KNOW PETRIE.

"Do you know Petrie, a kinsman of Ragsdale?" "No."

"At the time you paid the second \$250 to Tedder, had you heard of Ragsdale?" "No. On the 22d of April Tedder told me that Arthur Thurman had a preacher, a client, who claimed to know a great deal about the Frank case and had heard one of two Negroes talking in an alley who confessed to the murder. And this preacher was willing to make an affidavit. The next day, the 23d of April, Tedder telephoned me Thurman was bringing the preacher and another man to the office. Thurman came in and introduced me to Ragsdale and to Barber, saying they wished to make affidavits. Thurman left then. Almost immediately I took the two men to Attorney Rosser's office. They were first interviewed by Mr. Brandon. Then Mr. Rosser came in, and in my presence and in the presence of a stenographer, they made their statements."

"You took them, after they were turned over to you by Tedder and Thurman, without investigation?" "I have explained, Mr. Dorsey, all of that."

"To what extent did you make a probe of their characters?" "Mr. Rosser, after taking their statements, asked them the names of their associates, and they furnished him with a list which he gave to me. I instructed our operatives to see these men, and I personally went to the State mission board and interviewed two of its members on that list. One of them was acting secretary of the board in the absence of Dr. J. J. Bennett, whose name had been given us by Ragsdale."

PAID TEDDER IN ADVANCE.

"When did you make your first investigation of Ragsdale's reliability—before or after you obtained this affidavit?" "Afterward, I had no information about Ragsdale prior to a day or so before the affidavit was made."

"Did you report this matter to 'the governor' before the affidavit was made?" "Yes, and the governor threw up his hands and said he didn't want any more of that black alley business. He didn't seem to take it seriously."

"How many payments had you made to Tedder before you took this affidavit?" "Only one. The day I employed him I advanced him a month's salary and expenses."

"Where did you get that money?" "From Mr. Herbert Haas."

"Was it by check or in cash?" "You have previously asked that question, and I stated it was by check. I am not so sure now, whether it was by check or by cash."

"Is it customary for your clients to advance money to you in cash?" "It is customary to pay both ways."

"How often have you been advanced cash in this case?" "I can't recall."

"How often have you been paid by check?" "I can't recall that."

GAVE CHECKS TO SEARS.

"Who signed the checks paid to you?" "I don't recall."

"Were they signed 'Herbert J. Haas, treasurer?'" "Why, I never paid any attention to how they were signed."

"On what banks were these checks drawn?" "I don't recall that."

"What did you do with these checks?"

"I turned them over to Mr. Sears, the local manager."

"Did you have any check or cash transaction with Mr. Haas about the time of the Ragsdale matter?" "No, sir, I don't recall that I did."

"You said a short while ago that 'Boots' Rogers was in your employ. How did you pay him? "A per diem salary."

"How much?" Lehon objected to answering the question and appealed to the court. Judge Hill said he did not have to answer it.

"Mr. Dorsey, what object have you in asking this line of questions?" inquired the court.

The solicitor replied that he wished to contrast the per diem salary paid Rogers and other Burns' agents with the cash advanced to Tedder. Judge Hill ruled the question out.

"Is a per diem expense basis your usual method of paying your agents?" "We have no usual method."

SAYS TEDDER MADE TRIPS.

"How much money did you pay to Tedder on the day Ragsdale made his affidavit?" "None whatever."

"Do you know of any money paid Tedder on that day?" "I do not."

"Do you know whether any money was paid to Ragsdale?"
"Not that I know of."

"Did Ragsdale and Barber delay any in making their affidavits?" "NO, they appeared anxious to make them, and were impatient because the attorney was not in his office."

"How often have you met Arthur Thurman?" "Twice, I think."

"Did Tedder make those trips to Birmingham, Chattanooga and Nashville?" "He reported to me that he had made them."

"In writing?" "No, verbally."

"Did you make any reports on Tedder's investigation to Mr. Burns or to the central office?" "No."

"What other man employed by you received cash payments?" "Several."

"Which ones?" "I don't think it is necessary for me to answer that question," said Lehon, addressing the court. Judge Hill ruled that he must answer.

"I pay nearly all of them in cash," said Lehon.

"Have you advanced cash for expenses to any others besides Tedder?" "Yes, several of the operatives."

KEEP RECEIPTS ON FILE.

"Did you take receipts for this expense money?" "Yes."

"Where are the receipts?" "In the files of our office."

"Have you had any relations with Jimmy Wrenn?" "No, I don't know him."

"Or with George Wrenn?" "No, I don't know him either."

"Have you had any reports in reference to them?" "No."

"Are you similarly gifted as the 'governor' in detecting perversion in an individual merely by looking at him?" Judge Hill ruled the question out.

The solicitor sat down, excusing the witness.

Lehon addressed the court.

"With your permission, I want to make a statement," he said.

"All right, Mr. Lehon," said the judge.

"Your honor, I am an American citizen. I have been in the police business for over twenty years. These are the most outrageous proceedings—"

Judge Hill interrupted.

"You will stop that, unless you want to go to jail. I won't permit such comments."

"Your honor, I just want to say that the district attorney," meaning Mr. Dorsey, evidently, "is seeking to make it appear—".

Judge Hill again interrupted, admonishing Mr. Lehon that he must cease comment or the court would be compelled to send Lehon to jail. Attorneys Rosser and Arnold, seated behind Lehon, leaned over and whispered to him, "You can't talk like that."

LEHON GETS ANGRY.

Lehon seemed to be in a temper. He controlled his tone, however.

"I don't intend any disrespect to your honor or to this court —"

"That's just what you were about to show, whether you intended it or not," interrupted the judge, "and you must not go any further with that kind of comment." The judge was very positive. "Mr. Stenographer, strike all that statement from your record."

The solicitor announced that all other witnesses summoned to court for the morning could be excused. Attorney Rosser asked what witnesses he meant.

"C. W. Burke, Jimmy Wrenn and the others," replied the solicitor. Just as he said that, however, he looked up and said, "Mr. Sheriff, you can call L. P. Eubanks."

Eubanks entered the court. He answered that he is a foreman of the car inspection crew in the Decatur Street yards of the Southern railway.

LOANED DUFFY MONEY.

"Mr. Eubanks," the solicitor inquired, "do you know J. E. Duffy?" "Yes, sir."

"Have you recently loaned Duffy any money on his notes?" "Yes."

"Do you know C. W. Burke?" "Yes."

"Were you a witness before the grand jury when Duffy was indicted in a car robbery case?" "Yes."

"He was working at that time for the Southern railway?" "Yes."

"Have you ever worked under C. W. Burke?" "No."

"You were present at a conference held at your house some time ago with Burke, Mel Arnold, Duffy, Lynn, Burke's chauffeur?" "Yes, sir."

"Was any money paid to Duffy at that time?" "No, sir."

"When did you make those loans to Duffy?" "On April 4 and April 11, this year."

"Had you ever loaned Duffy money previous to this time?" "Yes, sir."

"When?" "Some years ago, when he was employed by the Southern railway."

"How much did you lend him at that time?" "I think \$3.60 was the greatest amount of any one loan."

DUFFY OWES HIM \$25.

"How much does Duffy now owe you?" "Twenty-five dollars."

"When did Duffy make his affidavit?" "December 11, 1913."

"Had you loaned him any money about that time?" "No, sir—not a penny before April 4, 1914."

"Did you ever have a conference of that kind at you house before?" "No, sir."

"When was it?" "December 11, 1913."

"Did you ever tell him he would not have to pay back this money you loaned him?" "No, sir."

"Did you tell Duffy's father that Duffy would not have to pay back this money?" "No, sir."

"Did you tell Duffy's father that Duffy would not have to pay back this money?" "No, sir."

Again, the judge interrupted the solicitor, with the remark that the questions did not seem relevant.

"When did you go to see Miss Nellie Wood?" "About January 25."

"In whose automobile did you go?" "In Mr. Burke's automobile."

"At whose instance?" "At Mr. Burke's. He said he didn't know her and I did."

"When did you meet Miss Wood?" Eubanks hesitated a moment. "Why, everybody at the Southern railway depot knows that Nell drifted up and down Decatur Street."

"Well, how did you know her?" "Just like we knew other girls of that kind that drifted up and down the street."

"Well, how did you know her?" "Just like we knew other girls of that kind that drifted up and down the street."

CHARACTER IS ATTACKED.

"Do you mean to say she's a woman of bad character?"
"Yes, I think so."

"How do you know she is a woman of bad character? Did any one ever tell you so?" "Yes."

"Who? Name some of them." I don't recall them all. J. E. Bishop was among those who discussed her with me."

"Who is Bishop?" "He is a car inspector. From admission she made to me I formed my knowledge of her character."

"What did she admit to you? Something about the Frank case?" "No. She admitted to me that any and everything would be all right." The witness rehearsed a conversation he had had with her, which he considered as throwing light on her character.

The solicitor sat down. Attorney Arnold asked the witness:

"Have I ever talked with you about this case?"

The witness turned around and looked Mr. Arnold in the face and said: "Who are you?"

"I am Reuben Arnold," replied the attorney.

"I beg your pardon," said the witness.

"I didn't know who you were. No, sir, I have never discussed the case with you."

Pointing to Attorney Rosser, Mr. Arnold inquired:

"Have you ever talked about this case with Mr. Rosser, there?" "No, sir."

SAW HAAS ONE TIME.

Pointing to Attorney Leonard Haas, Mr. Arnold repeated the query.

"Yes, on one occasion I think I saw Mr. Haas in an office."

Mr. Arnold asked the witness to explain the conference at his house with Burke, Mel Arnold, Duffy and Lynn.

Eubanks said at that time Burke, who formerly had been special agent for the Southern Railroad, was endeavoring to reinstate some of the ex-employees of the road; that he had been working in the interest of Mel Arnold; that he told him he wished to see Duffy, and that he had found it difficult to see him in the daytime because of Duffy's duties. Eubanks said he told Burke that Duffy "put up" a door or two away from his route every evening. They arrived about 7:30 o'clock that evening.

In reply to other questions by Attorney Arnold, Eubanks stated he was present during the entire conversation prior to the signing of the affidavit, and that Burke did not threaten in any way or offer any sort of reward to the witness Duffy, and that Duffy said it was the truth, and before he signed it, he had repeatedly said the words dictated into the affidavit were the truth. When Eubanks was excused, Judge Hill ordered the stenographer to read from the record Lehon's attack on the solicitor. When that was done, Judge Hill said:

"I will let it pass. I don't think he intended any disrespect to the court."

AFFIDAVITS ARE READ.

The solicitor then resumed the reading of the State's affidavits.

First came the affidavit of Ruth Robinson, who emphatically declared she had made no affidavit except for the State and who branded as forgery the affidavit purporting to have been signed by herself and witnessed by C. W. Burke, which the defense exhibited in the extraordinary motion.

Samuel A. Pardee's affidavit declared that after signing an affidavit for the defense on March 14, he had recalled a certain circumstance which makes him believe the statement that he saw Frank at Whitehall and Alabama between 1:03 and 1:05 o'clock on the day of the tragedy, is incorrect. He remembers now being at Walton and Broad streets about 12:30 o'clock that day, and he had gone to that point from Whitehall and Alabama. He asked

Attorney Luther Rosser to allow him to withdraw his affidavit, and on that gentleman's refusal, he went directly and voluntarily to the solicitor.

W. B. Green, who made an affidavit saying he was with Pardee, made a similar affidavit to the State, and the solicitor read it.

The solicitor then took up the affidavit of Mary Rich, a Negro woman, who said that while there are other women in town named Mary Rich, she is the only one who operated a lunch stand on Hunter between Madison Avenue and Forsyth Street.

SAW STORY IN NEWSPAPER.

The first she knew that she was purported to say she saw Conley come out of the alley at 2:15 on the day of the tragedy, was when her daughter read a story from a newspaper. She then went to the solicitor's office and on failing to see him went back a second time and found him. She declared in her affidavit she does not remember seeing Conley come out of the alley on that day at that hour or any other hour nor does she remember ever having seen him come out of the alley. Some time recently, the affidavit continued, Mrs. Lucile Frank, Rabbi David Marx and a man whom she afterward learned is C. W. Burke, and an unknown man, came to see her. They tried to get her to sign such an affidavit.

Mrs. Frank told her, she said, "You will take the rope from around my husband's neck if you sign this paper." Mary swears she answered "I can't tell a lie like that." Then Burke gave her a little piece of paper and told her, she swears, "Keep that, and if you ever get in trouble, you will know the reason." Mary Rich continued in her affidavit that F. J. Wellborn was standing near enough to hear the conversation.

READ CONLEY'S AFFIDAVIT.

The solicitor read the affidavit of James Conley, in which the Negro declares it is not true that at 2:15 or any other hour on the day of the tragedy he came out of the alley and bought a lunch

from Mary Rich. Conley's affidavit bore on other points also, of the extraordinary motion. He assisted H. F. Becker to remove a number of papers from his office when he was preparing to leave the service of the National Pencil company. Among these papers were the order blanks. He himself helped Becker carry them to Frank's office. For a time, he was employed as fire man in the factory, and no papers were allowed to be stored in the basement and no rubbish was allowed to accumulate there. Conley swears he does not know Miss Helen Ferguson.

The affidavit of Ivy Jones, read next, declared that the affidavit purporting to have been signed by himself in the presence of C. W. Burke as notary public was not signed by himself and is a forgery. The affidavit affirmed Jones' original testimony that he met Conley at the corner of Hunter and Forsyth streets and walked home with him. Jones swears he did sign in pencil a paper for some men who approached him and talked to him in regard to a railroad accident, and later told him if he would sign the papers, he would not have to attend court as he knew nothing about the accident. One of these men he has seen again. He swears that man is Jimmy Wrenn.

MET JONES AND CONLEY.

Eugene Perry's affidavit was read. He lives at 199 West Hunter Street and works in the L. and N. terminal. He swears he remembers meeting Ivy Jones and Jim Conley at Hunter and Haynes streets about 2:15 on the day of the tragedy. He detailed the conversation with them.

Mrs. Hattie Waites, of 22 Markham Street, wife of J. M. Waites, testified by affidavit that she came from her home to town to buy shoes for her little niece, on the forenoon of April 26, and that as she passed Nelson and Forsyth Streets, she saw a Negro man and a white man talking together. The Negro was smiling.

The white man had his face very close to him. She said the white man, who had black hair and black eyes and wore glasses,

resembled a friend of hers. For that reason, she looked at him closely. As she passed, however, the man looked up. She saw it was not her friend. "And I said to myself," Mrs. Waites continued in her affidavit, "that accounts for his being so close to the Negro."

The affidavit continued detailing how she told this affair to her husband on the day Conley's first statement came out, and he asked her not to get mixed up in the case as a witness. On the last day on the trial she saw Frank. Frank is the man she saw talking to the Negro, she swears. Before making the affidavit, she went to the jail and saw Conley, and he is the Negro, she swears. Mrs. Waites swears she is a member of the Western Heights Baptist church, and is a noble of the Rebekah lodge of the Odd Fellows. The solicitor introduced several affidavits from people who testify she is a credible witness.

MISS FERGUSON'S AFFIDAVIT.

The next affidavit was that of Miss Helen Ferguson.

"Since the Frank trial last summer," Miss

PDF PAGE 7, COLUMN 1

**BURNS' DETECTIVE IS GRILLED
BY DORSEY**

**MANY AFFIDAVITS
OFFERED TO
COMBAT**

NEW TRIAL MOTION

(Continued from page 5.)

him in connection with the case.

An affidavit by Ivy Jones reaffirming the evidence given by him at the trial of Frank, in which he swore he saw Jim Conley at Forsyth and Hunter streets between 1 and 2 o'clock, April 26, 1913; that Conley was not drunk; and that he left Conley at the corner of Hunter and Davis streets, near Conley's home, some time after 2 o'clock.

An affidavit by N. A. Garner, deputy in the solicitor's office, told of the difficulties he encountered in subpoenaing J. C. Duffy, one of the State's recanting witnesses, who has reaffirmed his original testimony.

Affidavits by James Doyal, Bob Waggoner and other city detectives were to the effect that they had seen Duffy at detective headquarters at police station and had heard him discuss the Frank case; that Duffy stated that at the time he cut his finger, while an employee of the pencil factory, prior to the murder of Mary Phagan, he held waste around the wound and prevented it from bleeding, and that blood from his wounded finger did not drop on the floor, except a few drops at the machine where he was cut.

REPUDIATES REPUDIATION.

The next affidavit was from J. C. Duffy. He recanted the repudiation given to the defense, and reaffirmed his testimony given at the trial of Frank. Just before making the affidavit, he said, he read over the transcript of the evidence given by him at Frank's trial, and that it was absolutely true; that at the time he

cut his finger he dropped no blood at the entrance to the ladies' dressing room or at the water cooler; that he changed his evidence after talking with C. W. Burke and Mel Arnold, his brother-in-law; that Burke wrote out the paper which he signed, and that it was absolutely false; that Burke did not pay him anything, but promised him a \$15-a-week job until he could get his old position back with the Southern railroad; that afterward Eubanks lent him some money on notes. At some length and in detail Duffy related attentions showered upon him after he had given his affidavit to Burke. He said Jimmy Wren and chauffeur, Lynn, called and took him on automobile rides frequently; that they bought supper for him; that one night they rode all night; one night they went to Austell, and slept in the car that night on the road between Austell and Atlanta.

"This is a case where truth is on the run," remarked the solicitor.

GAVE NOTES FOR LOAN.

The next affidavit was by B. C. Duffy, father of J. C. Duffy. In it he swore that about a month ago Eubanks told him he had let his son, Duffy, have some money; that he had taken notes for the loan, but his son wouldn't have to pay it back.

The affidavit of Mel Arnold, read next, told, about the conference at Eubanks' house, relating the circumstances under which Duffy made his affidavit, and how he (Arnold) later got his job back on the Southern railroad.

The next affidavit was that of C. B. Dalton, which was in part as follows:

DALTON'S TESTIMONY.

The affidavit of C. B. Dalton, who testified at the Frank trial, was read. He began his affidavit by declaring that every word he uttered at that time was the absolute truth. He stated that he had never signed any paper or statement which retracted that evidence.

Reiterating his testimony at the trial, Dalton told how he visited Frank's office two or three times, last year, once in company with Miss Daisy Hopkins, how he went into the basement with her, how on his several visits to the factory he sometimes saw ladies in Frank's office, how he knew Jim Conley and on occasions gave him a half a dozen or more quarters.

He reiterated the evidence that he was the C. B. Dalton, who served a term in the chain-gang of Walton County for stealing in 1894, was indicted for stealing in Walton in 1899, was prosecuted but not convicted in Gwinnett.

Two months ago, testified Dalton, he was working in Fort Myers, Fla., and was there visited by Detective Burke and after seeing him two or three times, answered a special delivery message from Burke and called on him at his room in the Brandford hotel.

SAYS BURKE OFFERED BRIBE.

This part of Dalton's affidavit read as follows:

"We talked about the Frank case. He asked me about how Mr. Dorsey and Starnes and Campbell questioned me before the trial and whether they didn't try to make me say things, that were not so, and I told him 'No,' and that they had acted in a perfectly proper way in their questions to me, and like gentlemen in every way except one, which was that they hadn't kept me from going into the trial as they said they would try to do."

"Burke then asked me if I would sign a paper to go before the pardon board, Atlanta. He said he wanted me to sign the paper to help get the pardon board to keep Frank from hanging. I told him that I would have to wait until I talked it over with Mr. Hefner."

He offered to give me \$100 if I would sign the paper which he showed me. This paper was written out in handwriting. I didn't sign this paper.

DALTON SIGNED PAPER.

"The next day he come out to Frogtown. He had a paper then which he said he wanted me to sign, because he said he had to leave for Atlanta right away. This was a typewritten paper. He said this was just a paper to go before the pardon board and the same as the paper he had shown me the night before. He repeated his offer to pay me \$100 if I would sign it. He read a part of it, but I was so busy I didn't have time to listen to the reading of the whole paper. The part he read didn't say anything about taking back evidence, or about my having said anything that wasn't a true at the trial. He pressed me so hard that I finally signed the paper which he had."

"I asked him when I would get my money and he said for me to come up to his hotel and he said for me to come up to his hotel that night and he would give it to me. I went to the hotel that night but he had gone. He had packed up his things and left, the clerk said. I asked if he had left anything for me and was told he had not."

"In addition to saying he would pay me \$100, Burke had told me that he would give me a pass from Jacksonville to Atlanta to use any time soon, for I had told him that I had a mileage book which would take me to Jacksonville but that I wanted to come to Atlanta some time this spring. Burke did not leave either the \$100 or the pass for me, though he said he would give me both."

"One thing that Burke told me in my talk with him at Fort Myers was that he tried to get to see me before my testimony at the Frank trail and that he had followed me to my boarding house two or three times trying to get to see me."

TWO MEN OFFERED MONEY.

The only other time he had been of-

(Continued on last page, Col.1)

PDF PAGE 18, COLUMN 1

BURNS' DETECTIVE IS GRILLED BY DORSEY

(Continued from page 7.)

ferred money in connection with the Frank case, stated Dalton, was after the trial last year, when two strange men came up to him on a street corner in Dublin, Ga., and offered him \$400 to leave the State. He stated that they made this offer two or three times, but that he refused each time.

Dalton stated that he came to Atlanta of his own volition, following the receipt of a letter from Solicitor Dorsey.

"In addition to my testimony in the court at the Frank trial, I have on my several visits to Leo M. Frank's office seen Frank with girls in his office, and I have seen Frank play with them, hug them, kiss them and pinch them. Each time that I happened to see this the girls seemed to be different, for I didn't recognize any of them. I do not know who any of these girls were. I saw Frank on two or three occasions take a girl and go to the back of the room where the dressing room is. On one occasion Frank had six bottles of beer and I carried three more bottles to his office. This time I was with Miss Daisy Hopkins when she telephoned first to Frank's office and told him that she wanted to borrow some money, and she said that Frank answered that if she would hurry right over to his office, she could get it. She said: 'I have got a friend with me and cannot come now,' and she was told to come right on over and bring her friend with her. We went right away. Miss Daisy stood on the street while I went into the Big Bonanza saloon and bought three bottles of beer and we took these and went to Frank's office. There I saw her when she borrowed the \$3 from Frank. In regard to the cot in the basement, I know that Leo M. Frank knew about it, because I have heard him speak."

Attorney Rosser objected to a portion of the affidavit by Dalton in which Dalton said that at Dublin two Jews approached

him and one of them offered him \$400 to leave the State. That was not relevant or material, said Mr. Rosser.

Judge Hill sustained the objection and ordered that that portion of the affidavit be stricken.

City Detectives J. N. Starnes and Pat Campbell furnished affidavits in which they denied they ever coerced Dalton into making any affidavit.

MRS. JAFFE'S AFFIDAVIT.

Solicitor Dorsey then took up the affidavit made to the defense by Mrs. Jaffe, in which she swore that on the day of the murder she saw Frank at Whitehall and Alabama streets about 1:10 o'clock. The solicitor submitted an affidavit by J. L. Moye, a travelling salesman, who stated that since the Frank trial he had visited the optical shop of Mrs. Jaffe's husband several times, and on those occasions, Mrs. Jaffe discussed the Frank case at some length with him, but she had never mentioned to him that she saw Frank on the afternoon of the murder.

An affidavit by P. H. Orr was read, in which he declared he would not believe Mrs. Jaffe on oath.

An affidavit by City Detective Bass Rosser was that on one occasion Mr. Jaffe called him to the shop and reported that his wife had stolen a diamond ring from a friend and was about to leave the city. Attorney Rosser objected to this. The solicitor said he was endeavoring to prove acts of moral turpitude against Mrs. Jaffe; that he had other affidavits from Officer P. P. Cooper, who heard Mrs. Jaffe admit having stolen the ring and saw her produce it. These affidavits, however, were excluded by court.

ONE CHARACTER WITNESS.

The solicitor read an affidavit by W. J. Laney, an attorney, who swore he carefully examined the briefs of evidence and record of the Frank trial. Mr. Laney gave a list of the witnesses introduced by the State at the original trial and from this drew

another list of those who gave character testimony against Frank. He swore he also examined carefully the extraordinary motion for a new trial made by the defense; that he had noted the list of those alleged to have repudiated the evidence given at the original trial; and that only one of these, Marie Karst, was a character witness.

The solicitor then announced that he had nothing in reply to the defense's first amendment, which embraced the affidavit of a man named Bozer, who claimed to have seen Conley on Peters Street at 4 o'clock on the afternoon of the tragedy; except Conley own denial.

The solicitor then took up the second amendment and read the affidavit of Rev. C. B. Ragsdale for the State, in part as follows:

RAGSDALE'S AFFIDAVIT.

The affidavit of C. B. Ragsdale was in substance as follows:

That he had a business transaction with Arthur Thurmond, a lawyer, which began in April, 1913, and was still pending in April, 1914. That the nature of the transaction was such that Thurmond became familiar with his financial status and conducted the transaction in such a way as to further involve him financially.

That about March 1, 1914, Thurmond asked him if he knew anything about the Frank case, and he said he did not. That Thurmond told him there was a lot of Money being spent and that "we might as well get some of it."

That he told Thurmond he knew nothing of the case. That Thurmond phoned him at least half a dozen times, and he went to Thurmond's office for conferences, and each time the Frank case was discussed, Thurmond telling him they could fix up a statement that would get them out of all their money troubles.

That he finally agreed to do as Thurmond directed, and made a statement, which Thurmond criticized as being "weak," but added, "I'll fix it up all right." That Thurmond a few days later

told him, he (Thurmond) had found a Negro to corroborate the statement, but subsequently told him the Negro had gone back to his story and they would have to find somebody else.

That he then went out and saw R. L. Barber, and told him the whole procedure, and Barber said: "All right, I'm ready. I ain't got no money, and they're just shading it out." That both then went to Thurmond's office, and were introduced to a man named Tedder.

That they went over the whole story together, and Barber agreed to say "I think it was Conley." That Tedder and Thurmond told them this wouldn't do, that he must say he was positive it was Conley; that Barber finally agreed to be positive, and, after more conferring, he agreed to explain how he knew it was Conley y saying he went frequently to the pencil factory.

That there were four or five meetings subsequent to this, but nothing signed in the way of a statement or affidavit until April 24, when a conference was held between Thurmond, Tedder, Barber and Ragsdale.

That Tedder took Ragsdale and Barber to an office in the Healy building (which Ragsdale later swears was the W. J. Burns Detective Agency), where they were introduced to Dan Lehon and others. That Lehon took Barber and Ragsdale to the office of Luther Z. Rosser; that Rosser presently came in and, after saying, "You're the gentlemen with information?" called a stenographer and began to dictate without waiting for them to tell what they knew; that the statement he dictated for Ragsdale was absolutely false.

That Rosser, after dictating the statements, left the office, and Ragsdale then reminded Barber that Thurmond had admonished them not to sign anything until he said "Ready;" that Barber went to Thurmond's office, came back, reported Thurmond had given him the word, and they both then signed.

The balance of the affidavit recounts the details of how Ragsdale and Barber, after being put off several times, were paid

money by Thurmond and Tedder in Thurmond's office, Ragsdale getting \$200 and Barber \$100.

The solicitor then put in evidence the record of the conviction of George Wrenn in the Gilsey diamond robbery case.

The solicitor read the affidavit of John M. Carver, that he had had some dealings with Barber; that he saw Barber and Ragsdale together last Thursday; that Barber told him they had an important deal on; Barber talked as if he would buy his (Carver's) stove repairing business if the deal went through; that he often saw Ragsdale and Barber in his place of business, and they talked together in low tones.

The solicitor read the affidavit of A. F. Jones, who said Barber worked with him at the Standard Stove Supply company's place of business. He testified to the impecuniousness of Barber, and Barber's frequent reference to a deal he was going to put through and make "thirty cents" out of.

YOUNG RAGSDALE'S AFFIDAVIT.

The affidavit of W. A. Ragsdale, son of the preacher C. B. Ragsdale, was read. He swore he was familiar with the financial condition of his father, and that on last Thursday the latter had less than \$5; that on Friday his father was visited by W. W. Rogers at their home in Kirkwood, who came hurriedly on a motorcycle and gave Mr. Ragsdale a blue card, saying to him: "Many people will be coming out here to see you, but don't you talk to anybody but Burns' detectives, and when they say they are Burns' men, make them show a blue card like this." On Sunday, the affiant continued, he and his brother, E. C. Ragsdale, with other members of the family, talked with their father and the admitted to them that the affidavit he made in this case was false and that he was paid to make it; and he exhibited a roll of bills he said he had received for making the affidavit. The affiant swore he saw several \$5 and \$10 bills, and was told the roll amounted to \$200.

"I understood," said the affidavit, "that he had not received all, but was to receive in time a total of \$10,000 for making the affidavit."

After advising with a number of friends of the family, young Ragsdale swore he and his brother decided to induce their father to go to the solicitor general and tell the whole truth of the transaction. They took this on themselves without any urging by outside parties, because they knew of his impaired mental condition, his age, and his ill health.

AFFIDAVIT FROM ROSSER.

E. C. Ragsdale made an affidavit similar in practically all details to the foregoing.

The next affidavit was by Detective S. L. Rosser. He swore that he went out to Kingsley's alley to look for a Negro named Frank Reese, several days ago, and when he got out there, he saw Frank Reese talking with George Wrenna and two other men.

The solicitor connected this affidavit by reading afterward the affidavit of Fred Perkerson, who swore he was in jail and a trusty until recently; that he knew Dr. George Wrenn, who also was serving a sentence and was known as "doctor" because he helped in the jail hospital. He saw Wrenn talking frequently with friends of Frank, and they gave him cigars. He, the affiant, and Frank Reese often cleaned Jim Conley's cell. Dr. Wrenn repeatedly urged them to come out of Conley's cell some day and declare Conley had confessed to the murder. Wrenn told them they would get much money for it, he swore, and repeatedly held up to them that unless they did this, they would leave the jail penniless, while he, Wrenn, would live in luxury. They always refused, Perkerson swore.

KNEW CARTER WOMAN.

They saw Wrenn himself go into Conley's cell quite often. They knew Anna Maud Carter. Perkerson swore that every morning she was turned loose by Deputy Roberts and had the

freedom of the jail until Deputy Allen came on duty at 3:30 and he locked her up. Frequently, he asserts, he saw Wrenn and Anna Maud Carter together, and once he saw Wrenn give the woman a note which she took to Conley's cell and pitched inside. He never saw the Carter woman try to go into the cell except once. He and Reese told her not to do so, then, and she desisted.

Frank Reese, of 17 Kingsley alley, made an affidavit corroborating that of Perkerson. He added that recently, after his release, Wrenn came to him at night and told him to come and see him the next day, that he had some work for him, and gave him car fare. The next morning, however, Wrenn was out at his house and tried to get him to sign a paper. He couldn't read, so refused to sign it. Then Wrenn sent him to get some whiskey, but wouldn't take a drink with him; and after he had two drinks, tried to make him sign it again, but he still refused. As they went out of the house they saw two other men, with whom they talked for a minute, and then they saw Detective Rosser.

BEGGED FOR AFFIDAVIT.

John Shields, 287 Fulton Street, was the signer of the next affidavit. He swore he knows C. W. Burke and Jimmy Wrenn. He often went out riding in an automobile with Jimmy Wren. Although he told Wrenn he knew nothing about it, Wrenn repeatedly tried to get him to swear Jim Conley was a pervert; but he wouldn't make such an affidavit. Finally Wrenn begged him to find a Negro woman who they could induce to make such a statement.

The affidavit of B. S. Smith, a stenographer employed for a while by the solicitor, was read next. Smith swore he took down on April 14, 1913, an interview between the woman, Mae Barrett, and the solicitor, with several detectives taking part. The substance of these was that Mae Barrett, who lives at 253 Humphries Street, went to the factory on the day of the tragedy at about 11:45 o'clock and left almost immediately after the noon whistle blew. She did not see either Frank or Mary Phagan that day. During her interview she declared her daughter, Mrs. Maude Bailey, was addicted to the habit of telling stories. She made the

assertion when the detectives asked her why she wouldn't tell the whole truth, as her daughter had said she knew something about the tragedy. Smith swore further that on the same day, a little later, he took back an interview with Mrs. Maude Bailey.

ATTACKS FRANK'S CHARACTER.

The substance of her statements was that Frank's character was bad around the factory , where she worked at one time; and that he always wanted to employ young women, not caring to employ old ones; that she went to the factory after her mother, and saw Frank come out of his office and go into the shipping room, and he seemed very nervous at the time; that he stayed in there a minute, and then came back and spoke to Arthur White, standing nearby talking to his own wife and to Emma Freeman and Corinthia Hall; that he told White if he was going to work till 3 o'clock he probably would be locked up by himself till then. Smith continues that Mrs. Bailey testified at length regarding the conversation between White and his wife.

Dr. George Wrenn Not Subpoenaed as Witness

Dr. George Wrenn stated to *The Journal* Monday morning that he has not been subpoenaed by the State to appear in the Frank hearing, as was stated Saturday.
